



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: November 25, 2014
SUBJECT: Variance No. 553-14

APPLICANT: Deba Dayman
TetraTech
20400 Main Street
Carson, CA 90745

REQUEST: Variance for construction noise which will exceed the
allowed noise levels at The Boulevards at South Bay
mixed use project

PROPERTY INVOLVED: 20400 S. Main Street

COMMISSION ACTION

____ Concurred with staff
____ Did not concur with staff
____ Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Gordon
		Vice-Chairman Piñon			Saenz
		Brimmer			Schaefer
		Diaz			Verrett
		Goolsby			

Item No. 11 A

I. Introduction

Property Owner/Applicant
Carson Marketplace, LLC
4350 Von Karman Avenue Ste. 200
Newport Beach, CA 92626

Project Address
20400 S. Main Street, Carson, CA 90745

Project Description

The applicant is requesting a variance from Subsection 5 of Section 5500 et al. (LA County Section 12.08.440(B)(1)(b)) of the Noise Ordinance to allow construction noise to exceed the limits for a period of up to 2 years. The City of Carson adopted the Los Angeles County Noise Control Ordinance by reference with some minor amendments. The allowed maximum noise levels for construction noise that lasts more than 10 days is 60 dBA at single-family residential areas. The project is adjacent to single family residences and three mobile home parks. The Planning Commission approved three two-year noise variances on September 23, 2008, June 22, 2010, and September 23, 2012. However, with the exception of the construction of the groundwater treatment system and the gas collection and treatment systems facilities, the construction of buildings has not begun. Over 7,000 piles will be needed for the construction of the buildings. Section 12.08.58 of the Noise Ordinance allows a two years variance to be approved. The driving of piles will exceed the noise limits established in the Noise Ordinance, therefore, requiring a Variance.

The approval of the Variance will allow pile driving noise levels near the three mobile home parks and the single family residences to exceed the maximum 60 dBA established by the Noise Ordinance during the pile driving. The noise levels adjacent to Vista de Loma Mobile Home Park was 72.2 dBA and at Imperial Avalon Mobile Home Park 73.8 dBA when the EIR was prepared. These ambient noise levels exceed the City of Carson's exterior noise standard limits for sensitive receptors (i.e. homes and mobile homes) and are considered "normally unacceptable" based on the City's community noise/land use compatibility criteria. The highest noise levels expected when pile driving is adjacent to the southern property line and nearest the residential areas are 97.5 dBA and 96.5 dBA.

II. Background

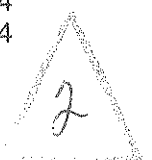
Current Use of the Property

The property is currently vacant. There is currently a Groundwater Treatment System and Landfill Gas Treatment System on the site.

Previous Uses

Cal Compact Landfill – The site was used as a landfill from 1959 until 1965. The remediation of the site is under the direction of the State Department Toxic Substances Control (DTSC).

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Previously Approved Discretionary Permits

- The Boulevards at South Bay Specific Plan (previously Carson Marketplace Specific Plan) was approved by the City Council on February 8, 2006.
- An amendment to The Boulevards at South Bay Specific Plan was approved by the City Council on April 5, 2011.
- A Development Agreement was approved by the City Council on July 25, 2006.
- An amendment to the Development Agreement was approved by the City Council on April 5, 2011.
- An Environmental Impact Report (EIR, SCH No. 2005051059) was approved and certified by the Redevelopment Agency on February 8, 2006. The EIR analyzed the impacts of construction noise and identified mitigation measures.
- Tentative Parcel Map No. 70372 for a two-lot subdivision splitting the upper lot from the landfill, was approved by the Planning Commission on May 25, 2010, and recorded on December 31, 2013.

III. Analysis and Findings

Location/Site Characteristics/Existing Development

The subject property is located on the north and south sides of Del Amo Boulevard, south of the I-405 San Diego Freeway, west of the I-405/Avalon Interchange, north of the Torrance Lateral and east of Main Street. The subject property is vacant with the exception of a groundwater treatment facility and a methane gas collection and treatment facility located north of the Torrance Lateral. The I-405/Avalon Boulevard interchange was reconfigured to allow direct access into the Boulevards at South Bay Project.

Zoning/General Plan Designation

The subject property is zoned Carson Marketplace Specific Plan and the General Plan designation is Mixed-Use Residential.

Project Description

The current development plan shows a 43-acre outlet mall to be developed along the I-405 Freeway. The outlet mall will have 552,167 square feet of retail and restaurant use. Two parking garages would be built to serve the mall, one at each end of the open air mall. A 147,949-square-foot discount bulk item store is proposed on the west side of Jim Dear Boulevard. Future phases include an additional 833,103 square feet of retail pads and 132,987 square feet of hotels (approximately 209 rooms) for a total of 1,509,811 square feet of commercial space. A total of 850 apartment units are projected on the south side of Del Amo Boulevard and 300 apartment units on the north side of Del Amo Boulevard.

Analysis

Since the site is a former landfill, all the foundations, light poles and other large structures must be on piles which will be driven through the waste to solid ground

below. This will stabilize the buildings and structures. The driving of piles will exceed the allowable decibel levels which are established by the Noise Ordinance; therefore, approval of a Variance is required.

Before the piles are driven, the adjacent residents will be notified and a special meeting will be held with the residents to inform of the upcoming work. Notices of work will be mailed to everyone within a quarter mile of the site. A Mitigation Monitor will oversee the construction to assure that all mitigation measures are being met and that any complaints from nearby residents are being addressed.

The noise from the pile driving was analyzed as a construction impact in the EIR. The ambient noise levels were measured at four different locations. The noise measurement levels located at Vista de Loma Mobile Home Park was 72.2 dBA and at Imperial Avalon Mobile Home Park 73.8 dBA. These noise levels exceed the City of Carson's exterior noise standard limits for sensitive receptors (i.e. homes and mobile homes) and are considered "normally unacceptable" based on the City's community noise/land use compatibility criteria. These noise levels are consistent with noise levels identified in the General Plan EIR for similar noise measurement locations along the major arterials and freeways.

According to the EIR, construction equipment, including pile drivers, would produce maximum noise levels of 74 dBA to 101 dBA at a reference distance of 50 feet from the source. Using the industry standard sound attenuation rate of 6 dB per doubling of distance from point source, a noise level of 101 dBA at a distance of 50 feet would be about 95dBA at 100 feet and 89 dBA at 200 feet. Actual measurements taken while equipment was performing work, indicate that active noise levels are typically 2 to 15dBA less than maximum noise levels. In addition, the impact noise associated with pile driving would be substantially reduced due to the lower density of material on site (i.e. trash with soil cover versus compact soils with rock). When pile driving occurs in the southern and western sections of the project site, nearby residences could experience short duration, high impulse noise levels of 97.5 dBA and 96.5 dBA respectively. The noise will decrease as construction occurs further away from the Torrance Lateral.

The EIR required mitigation measures for the noise impacts. A Noise Management Plan was required to be submitted. The plan was submitted and is located on the city's website under the Boulevards at South Bay Project. The EIR also required the following noise control measures be implemented at the site:

- All construction activities must be limited to the hours of 7:00am through 6:00pm, Monday through Saturday. No construction activities will occur at anytime on Sundays or city, state or federal holidays;
- Noise generating equipment operated at the project site shall be equipped with effective noise control devices (i.e. mufflers, intake silencer, lagging, and/or engine enclosures;

- All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated;
- Pile drivers used within 1,500 feet of sensitive receptors shall be equipped with noise control techniques (e.g. use of noise attenuation shields or shrouds) having a minimum quieting factor of 10 dBA;
- Effective temporary sound barriers shall be used and relocated, as needed, whenever construction activities occur within 150 feet of residential property, to block line-of-site between the construction equipment and the noise-sensitive receptors (i.e. residential uses located on the west and south of the project site);
- Loading and staging areas must be located on-site and away from the most noise sensitive uses surrounding the site;
- An approved haul route authorization that avoids noise-sensitive land uses to the maximum extent feasible; and
- A Construction Relations Officer shall be designated to serve as a liaison with residents, and a contact telephone number shall be provided to residents.

A project hotline [(866) 928-4566 or (310) 956-5942] has been established and advertised in the surrounding neighborhoods so that neighbors have a point-of contact. A noise monitoring program is in place. The primary purpose of the noise monitoring program is to help ensure that safe conditions are being maintained for onsite workers, to guide the selection of hearing protection devices and noise mitigation measures, and to prevent nuisance noise levels above City Noise Ordinance levels in the surrounding community during construction work.

The objectives of the program are to:

- Monitor the on-site noise levels for all different site operations to know if hearing protection or other noise mitigation measures are necessary;
- Monitor the noise levels at the site perimeter during construction activities to determine if noise mitigation measures are necessary; and
- Document ambient noise levels at the site perimeter before construction activities commence so that the impact of construction activities can be determined to address noise concerns about the project.

The mitigation measures listed above would reduce the noise levels associated with construction activities to some extent, however, these activities would continue to

increase the daytime noise levels at nearby noise-sensitive uses (the single-family residences and mobile homes) by more than the 5 dBA significance threshold. As such, noise impacts during construction would be considered significant and unavoidable. Furthermore, noise impacts during pile driving were concluded to be significant due to the frequency with which this impact is going to occur and the circumstance in which this impact cannot be mitigated given the construction techniques that are required for the project site.

As part of the EIR certification, a Statement of Overriding Considerations was recommended by the Planning Commission and adopted by the Carson Redevelopment Agency. The Statement acknowledges that there will be noise impacts during construction that will be adverse. The Carson Redevelopment Agency found that the benefits of the Project outweigh the unavoidable adverse environmental effects and found that the unavoidable adverse impacts were acceptable.

Section 5500 et al. (LA County Section 12.08.580) of the Noise Ordinance establishes a procedure whereby an applicant can apply for a variance from the Noise Ordinance for a period of up to 2 years. A variance may be granted only if the Commission makes the following findings:

- "1. Additional time is necessary for the applicant to alter or modify its activity, operation or noise source to comply with this Chapter; or
2. The activity, operation or noise source cannot feasibly be done in a manner that would comply with the provisions of this Chapter, and no reasonable alternative is available to the applicant."

The construction on this site is unique in that the site must be remediated and all the buildings and structures must be on piles in order to safely build on a former landfill. Even though all feasible mitigation measures will be implemented and the city and construction team are sensitive to the impacts to the adjacent residents, a variance from the Noise Ordinance is necessary in this case. The Statement of Overriding Considerations included in the adoption of the EIR recognizes the unique circumstances associated with the construction of this site and the unavoidable adverse impact. As such, a determination was made that the high noise levels were necessary to allow the project to advance.

The Noise Ordinance allows hours of operation to be 7 AM to 8 PM Monday through Saturday with no work on Sunday or holidays. The certified EIR for the project, however, limits the hours to 7 AM to 6 PM Monday through Saturday with no work on Sunday or city, state and federal holidays.

IV. Environmental Review

Draft Environmental Impact Report (EIR) SCH No. 2005051059 was prepared to analyze the impacts of the Carson Marketplace Project (The Boulevards at South Bay). The Carson Redevelopment Agency certified the EIR in February 2006. This

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variance request for excessive noise was anticipated in the Statement of Overriding Considerations.

V. Recommendation

The Planning Commission:

- WAIVE further reading and ADOPT Resolution No.____, entitled "A Resolution of the Planning Commission of the City of Carson approving Variance No. 553-14 allowing the construction noise from the Boulevards at South Bay to exceed Section 5500 et al. (LA County Code Section 12.08.40B1 b) of the Noise Ordinance located at 20400 Main Street (The Boulevards at South Bay)."

VI. Exhibits

1. Draft Resolution of the Planning Commission

Prepared by: Chris Ketz
Chris Ketz, Consultant

Reviewed by: John F. Signo
John F. Signo, AICP, Senior Planner

Approved by: Saied Naaseh
Saied Naaseh, Planning Manager

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF CARSON APPROVING VARIANCE NO. 553-
14 ALLOWING THE CONSTRUCTION NOISE FROM THE
BOULEVARDS AT SOUTH BAY TO EXCEED SECTION
5500 ET AL. (LA COUNTY CODE SECTION 12.08.40B1 b)
OF THE NOISE ORDINANCE LOCATED AT 20400 MAIN
STREET**

**THE PLANNING COMMISSION OF THE CITY OF CARSON HEREBY FINDS,
RESOLVES AND ORDERS AS FOLLOWS:**

Section 1. An application was duly filed by the applicant, Tetra Tech, Inc. with respect to the real property located at 20400 Main Street, Carson, California. The area is shown in Exhibit "A" attached hereto. The application requests approval of Variance No. 553-14. The property is currently undergoing remediation of the 157 acres landfill under the direction of the Department of Toxic Substances Control (DTSC). The 11 acres north of Del Amo Boulevard is not on landfill.

Section 2. A duly noticed public hearing was held on November 25, 2014 at 6:30 P.M. at the City Hall Council Chambers, 701 East Carson Street, Carson, California. A notice of the time, place and purpose of the aforesaid meetings was duly given.

Section 3. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 4. The Planning Commission finds that:

- a) The General Plan Land Use Map designates the area for mixed-use residential use. The zoning is Carson Marketplace Specific Plan. The current development plan shows a 43-acre outlet mall to be developed along the I-405 Freeway. The outlet mall will have 552,167 square feet of retail and restaurant use. Two parking garages would be built to serve the mall, one at each end of the open air mall. A 147,949-square-foot discount bulk item store is proposed on the west side of Jim Dear Boulevard. Future phases include an additional 833,103 square feet of retail pads and 132,987 square feet of hotels (approximately 209 rooms) for a total of 1,509,811 square feet of commercial space. A total of 850 apartment units are projected on the south side of Del Amo Boulevard and 300 apartment units on the north side of Del Amo Boulevard.
- b) The proposed use is in conformance with the General Plan and Zoning.

- c) Carson Marketplace Specific Plan No. 10-05 was approved on February 8, 2006, Ordinance No. 06-1341 and amended on April 5, 2011 Ordinance No. 11-1469.
- d) Section 5500 et al. (LA County Code Section 12.08.580) of the Carson Noise Ordinance gives the authority to the Planning Commission to grant a variance from the requirements of this Chapter for a period not to exceed two years, subject to terms, conditions and requirements as may be reasonable under the circumstances.
- e) The maximum noise allowed at single-family residences during long term construction is 60dBA according to Section 12.08.440 B. 1. b. of the Noise Ordinance.
- f) Noise levels taken for the Environmental Impact Report (EIR) at Vista de Loma Mobile Home Park were 72.2 dBA and at Imperial Avalon Mobile Home Park 73.8 dBA. These levels exceed the maximum noise levels allowed during construction.
- g) The Carson Redevelopment Agency certified the Carson Marketplace Final Environmental Impact Report (State Clearinghouse No. 2005051059), adopted the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program on February 8, 2006.
- h) The Statement of Overriding Considerations acknowledges that there will be noise impacts during construction that will be adverse. The Carson Redevelopment Agency found that the benefits of the Project outweigh the unavoidable adverse environmental effects and found that the unavoidable adverse impacts were acceptable.
- i) The construction on this site is unique in that the site must be remediated and all the buildings and structures must be on piles in order to safely build on a former landfill. Even though all feasible mitigation measures will be implemented a variance from the Noise Ordinance is necessary in this case.
- j) Additional time is necessary for the applicant to complete this phase of the construction and remediation.
- k) The activity, operation or noise source cannot feasibly be done in a manner that would comply with the provisions of Noise Ordinance, and no reasonable alternative is available to the applicant.

Section 5. Based on all evidence presented at the meeting and the aforementioned findings, the Planning Commission hereby adopts Variance No. 553-14, subject to the conditions set forth in attached Exhibit B.

Section 6. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

Section 7. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

PASSED, APPROVED AND ADOPTED THIS 25th DAY OF NOVEMBER, 2014.

PLANNING COMMISSION CHAIR

ATTEST:

SECRETARY

CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
VARIANCE NO. 553-14

GENERAL CONDITIONS

1. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
2. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
3. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.
4. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
5. It is further made a condition of this approval that if any condition is violated or if any law, statute, or ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable, provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
6. City Approvals. All approvals by City, unless otherwise specified, shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in form approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
7. Indemnification. The applicant shall indemnify the City and its elected boards, commissions, officers, agents and employees and will hold and save them and each of them harmless from any and all actions, suits, claims, liabilities, losses, damages, penalties, obligations, and expenses (including but not limited to

attorneys' fees and costs) against the City and/or Agent for any such Claims or Litigation and shall be responsible for any judgment arising therefrom. The City shall provide the applicant with notice of the pendency of such action and shall request that the applicant defend such action. The applicant may utilize the City Attorney's office or use legal counsel of its choosing, but shall reimburse the City for any necessary legal cost incurred by City. The applicant shall provide a deposit in the amount of 100% of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney's fees, and shall make additional deposits as requested by City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If the applicant fails to provide or maintain the deposit, the City may abandon the action and the applicant shall pay all costs resulting therefrom and the City shall have no liability to the applicant.

8. *The variance shall become effective November 25, 2014 and shall be in effect two years from that date.*

NOISE MITIGATION

9. All construction activities must be limited to the hours of 7:00am through 6:00pm, Monday through Saturday. No construction activities will occur at anytime on Sundays or city, state or federal holidays.
10. Noise generating equipment operated at the project site shall be equipped with effective noise control devices (i.e. mufflers, intake silencer, lagging, and/or engine enclosures).
11. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.
12. Pile drivers used within 1,500 feet of sensitive receptors shall be equipped with noise control techniques (e.g. use of noise attenuation shields or shrouds) having a minimum quieting factor of 10 dBA.
13. Effective temporary sound barriers shall be used and relocated, as needed, whenever construction activities occur within 150 feet of residential property, to block line-of-sight between the construction equipment and the noise-sensitive receptors (i.e. residential uses located on the west and south of the project site).
14. Loading and staging areas must be located on-site and away from the most noise sensitive uses surrounding the site as determined by the Building and Safety Division of the Department of Development Services.
15. An approved haul route authorization that avoids noise-sensitive land uses to the maximum extent feasible.
16. A Construction Relations Officer shall be designated to serve as a liaison with residents, and a contact telephone number shall be provided to residents.

BUSINESS LICENSE DIVISION

17. All parties involved in the subject project located at 20400 S. Main Street including but not limited to contractors and sub-contractors, are required to obtain a city business license per Section 6310 of the Carson Municipal Code.